

SUPPORT FOR THE AMENDMENTS

Claim 1 has been amended.

The amendment of Claim 1 is supported by the specification at pages 3-21, for example at page 4, lines 7-20, the method described at page 4, line 21 to page 5, line 20, page 12, line 26 to page 13, line 22, and the Examples.

No new matter has been added by the present amendment.

REMARKS

Claims 1-7 are pending in the present application.

The rejections of: (a) Claims 1 and 6 under 35 U.S.C. §102(e) over Nakayama et al - US (U.S. 6,767,853), and (b) Claims 1 and 6 under 35 U.S.C. §102(b) over Nakayama et al - EP (EP 1067234) is traversed.

At the outset, Applicants note that Nakayama et al - EP is the European counterpart to Nakayama et al - US. Therefore, these references suffer the same deficiencies with respect to the claimed invention, which are highlighted below.

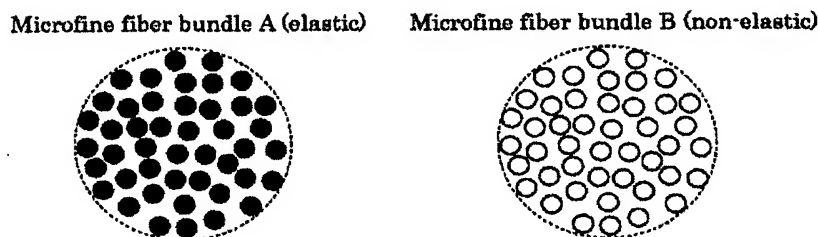
Claim 1 of the present invention is drawn to

A leather-like sheet substrate comprising a fiber-entangled nonwoven fabric that comprises a microfine fiber bundle (A) and a microfine fiber bundle (B) in a blending ratio (A)/(B) of 30/70 to 70/30 by mass and a polymeric elastomer contained in the fiber-entangled nonwoven fabric, the microfine fiber bundle (A) comprising 10 to 100 microfine fibers each of which has a single fiber fineness of 0.5 dtex or less and which are made of an elastic polymer having a JIS A hardness of 90 to 97, and the microfine fiber bundle (B) comprising a microfine fiber which has a single fiber fineness of 0.5 dtex or less and which is made of a non-elastic polymer, wherein microfine fiber bundle (A) does not contain microfine fibers made of non-elastic polymers and that microfine fiber bundle (B) does not contain microfine fibers which have a single fiber fineness of 0.5 dtex or less and which are made of an elastic polymer having a JIS A hardness of 90 to 97.

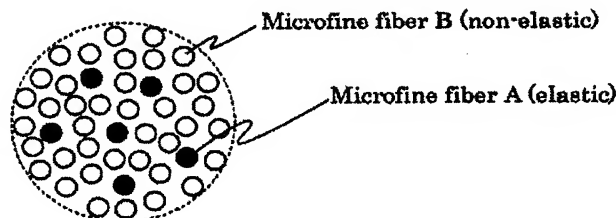
The Examiner dismissed Applicants previous arguments alleging that “the claims do not require that the bundles are solely A or solely B, but instead they have bundles which comprise A and which comprise B, which means that each bundle which comprises A can also comprise B and each bundle B can also comprise A” (see page 8, lines 2-5 of the Office Action mailed June 4, 2007). In recognition of this interpretation, Applicants have amended Claim 1 to specify that “microfine fiber bundle (A) does not contain microfine fibers made of non-elastic polymers and that microfine fiber bundle (B) does not contain microfine fibers

which have a single fiber fineness of 0.5 dtex or less and which are made of an elastic polymer having a JIS A hardness of 90 to 97”.

Thus, from the text of Claim 1 it is clear that the claimed leather-like sheet substrate is composed of *two kinds* of fiber bundles: the elastic fiber bundle (A) made of elastic microfine fibers and the non-elastic fiber bundle (B) made of non-elastic microfine fibers. The elastic fiber bundle A is formed from the microfine fiber-forming fiber A' which contains an elastic polymer as the island component (page 16, lines 9-12). The non-elastic fiber bundle B is formed from the microfine fiber-forming fiber B' which contains a non-elastic polymer as the island component (page 16, lines 26-27). Therefore, the claimed elastic fiber bundle (A) and non-elastic fiber bundle (B) could be illustrated as follows:



In contrast, *each fiber bundle* of disclosed in Nakayama et al – EP and Nakayama et al – US is composed of elastic fibers A *and* non-elastic fibers B, in which each elastic fiber A is encircled by the non-elastic fibers B (column 3, lines 28-45; column 4, lines 7-9; etc.). Therefore, the fiber bundle disclosed in Nakayama et al – EP and Nakayama et al – US could be illustrated as follows:



The fiber bundle disclosed in Nakayama et al – EP and Nakayama et al – US is formed

from a microfine fiber-forming fiber which contains both an elastic polymer and a non-elastic polymer (Example 1, etc.). Therefore, a single fiber bundle disclosed in Nakayama et al – EP and Nakayama et al – US contains both the elastic microfine fibers and the non-elastic microfine fibers. In fact, in each fiber bundle of disclosed in Nakayama et al – EP and Nakayama et al – US, each elastic fiber A is required to be encircled by the non-elastic fibers B. Again, the Examiner is reminded that in the presently claimed invention each elastic fiber is encircled by other elastic fibers in each of the claimed elastic fiber bundles (A).

Applicants submit that the claimed invention is clearly distinct from the disclosure of Nakayama et al – EP and Nakayama et al – US at least in view of the structural differences in the fiber bundles. The Examiner recognizes as much stating “Examiner agrees that the fiber bundles of Nakayama comprise both microfine fiber A and microfine fiber B as stated in claim 1 of Nakayama” (see page 8, lines 7-8 of the Office Action mailed June 4, 2007). Therefore, for the reasons give above which are recognized by the Examiner, neither Nakayama et al – EP nor Nakayama et al – US can anticipate the claimed invention as these references fail to disclose all the limitations of the claimed invention.

In view of the foregoing, Applicants request withdrawal of the rejections over the disclosures of Nakayama et al – EP and Nakayama et al – US.

The rejections of Claim 3 over: (a) Nakayama et al - EP (EP 1067234) in view of Minami et al, and (b) Nakayama et al - EP (EP 1067234)¹ in view of Kato et al (US 4,476,186 or US 4,612,228) each under 35 U.S.C. §103(a) are respectfully traversed.

As discussed above, the present invention and Nakayama et al - EP (EP 1067234) are clearly distinguished from each other at least in the structures of fiber bundles. The

¹ Still improperly identified as Takeshi et al in the Office Action mailed June 4, 2007.

Examiner cites Minami et al and Kato et al as showing the incorporation of powder into the entangled nonwoven substrate is known. Applicants make no statement with respect to the alleged disclosures of Minami et al and Kato et al, but note that each of these references is completely silent about the specifically claimed elastic fiber bundle (A) and non-elastic fiber bundle (B) described above. As such, Minami et al and Kato et al fail to remedy the basic deficiency of Nakayama et al - EP (EP 1067234). Therefore, even if the skilled artisan were to combine the disclosure of Nakayama et al - EP (EP 1067234) with either Minami et al or Kato et al the present invention would still not be apparent or obvious.

In view of the foregoing, Applicants request withdrawal of these grounds of rejection.

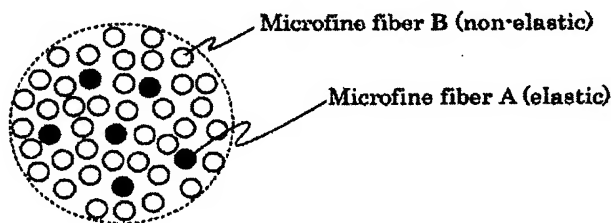
The rejection of Claims 2, 4, and 5 under 35 U.S.C. §103(a) over Nakayama et al - EP (EP 1067234) in view of Kato et al (US 4,476,186) is respectfully traversed.

As discussed above, the present invention and Nakayama et al - EP (EP 1067234) are clearly distinguished from each other at least in the structures of fiber bundles. The Examiner cites Kato et al as allegedly disclosing an entangled non-woven fabric having a fiber structure and that the ultrafine fibers and fine bundles of ultrafine fibers are entangled with one another and in which both portions (A) and (B) are nonuniformly distributed in the direct of fabric thickness. Applicants make no statement with respect to the alleged disclosure of Kato et al, but note that each of this reference is completely silent about the specifically claimed elastic fiber bundle (A) and non-elastic fiber bundle (B) described above. As such, Kato et al fail to remedy the basic deficiency of Nakayama et al - EP (EP 1067234). Therefore, even if the skilled artisan were to combine the disclosure of Nakayama et al - EP (EP 1067234) with Kato et al the present invention would still not be apparent or obvious.

In view of the foregoing, Applicants request withdrawal of these grounds of rejection.

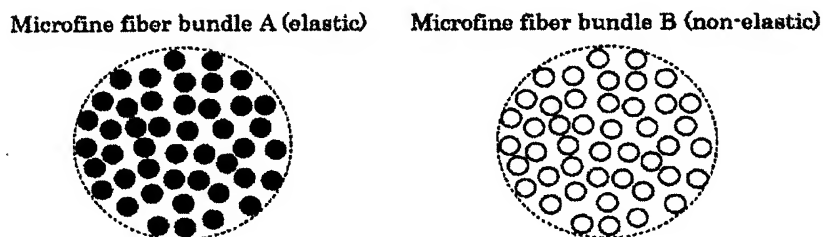
The rejection of Claims 1, 2, and 4-6 under the doctrine of obviousness-type double patenting over Claim 1 and 15 of Nakayama et al - US (U.S. 6,767,853) is respectfully traversed.

Applicants refer the Examiner to the discussion above with respect to the differences in the structure defined in the leather-like sheet substrate of the claimed invention and the fibrous substrate defined in Nakayama et al - US. Specifically, the Examiner is reminded that the structure defined the claims of Nakayama et al - US is best illustrated as:



Therefore, a single fiber bundle in Nakayama et al - US contains both the elastic microfibrils and the non-elastic microfibrils. In fact, in each fiber bundle in Nakayama et al - US each elastic fiber A is required to be encircled by the non-elastic fibers B.

In contrast, the presently claimed elastic fiber bundle (A) and non-elastic fiber bundle (B) is illustrated as follows:



(see amended Claim 1).

Unlike the structure defined in Nakayama et al - US, the presently claimed invention each elastic fiber is encircled by other elastic fibers in each of the claimed elastic fiber bundles

(A).

In view of the foregoing, Applicants submit that this ground of rejection should be withdrawn. Acknowledgement to this effect is requested.

Finally, with respect to the non-elected method claims, Applicants remind the Examiner of MPEP §821.04. Accordingly, upon a finding of allowability of the elected product claims, Applicants respectfully request rejoinder of the withdrawn process claims that depend therefrom.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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